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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,938	01/14/2004	Blaine H. Dolph	AUS920030919US1	3291

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2614

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/756,938	Applicant(s) DOLPH, BLAINE H.	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-3-2006/4-7-2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7,8,11-14,17,18,21-24,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,8,11-14,17,18,21-24,27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 11, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin et al. (US 2004/0176123A1, filed 1-30-2003, hereinafter Chin) in view of Wengrovitz et al. (US 2003/0072422A1, hereinafter Wengrovitz).

Regarding claims 1, 11, 21, Chin discloses a method of delivering a text message from a telephone comprising: sending the message from telephone (106, fig. 3) to an intermediary device (111, fig. 3), the intermediary device for: making an audio file of the text message using a text-to-speech software module (111, fig. 1), automatically placing a call to the landline telephone (for example 120, fig. 3), and playing the audio file when the call is answered (figs. 3-4, paragraphs:0019-0024), code means for receiving the message when the message is sent from a telephone (106, fig. 3) to an intermediary device (111, fig. 3), code means for making an audio file of the text message using a text-to-speech software module (111, fig. 3), code means for automatically placing a call to the landline telephone, and code means for playing the audio file when the call is answered (figs. 3-4, paragraphs: 0019-0024).

Chin differs from claimed invention in that although he discloses sending a text message from a first telephone (106, fig. 3); he does not specifically teach sending a text message from a first landline telephone.

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However, Wengrovitz discloses digital text messaging system and method which teaches sending a text message from a first landline telephone (fig. 1, paragraph: 0020).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Chin's system to provide for the following: sending a text message from a first landline telephone as this arrangement would enable the user of the landline telephone send text messages in case of emergency situation without giving away himself when burglary is under progress in the adjacent room as taught by Chin (paragraph: 0016)

3. Claims 2-4, 7-8, 12-14, 17-18, 22-24, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over hereinafter Chin) in view of Wengrovitz as applied to claims 1, 11, 21 above, and further in view of Mekuria (US 2002/0034956).

The combination differs from claims 2-3, 12-13, 22-23 in that he does not teach the following: if the second landline telephone is a digital telephone both text message and the audio file are downloaded to the landline telephone, if the second landline telephone includes a screen the downloaded text message is retrieved by displaying the text message on the screen.

However, Mekuria discloses mobile telephone with a text-to-speech converter which teaches the following: if the telephone is a digital telephone both text message and the audio file are sent to the telephone, if the telephone includes a screen the downloaded text message is retrieved by displaying the text message on the screen (paragraph: 0026).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: if the second landline telephone is a digital telephone both text message and the audio file are downloaded to the landline telephone, if the second landline telephone includes a screen the downloaded text message is retrieved by displaying the text message on the screen as this arrangement would facilitate the user to have both text and voice as a means for receiving communications so that it would be useful for users with hearing problems to communicate with others as is well known in the art.

Regarding claims 7 and 27, the combination teaches a method of delivering text message from a digital telephone to a wireless telephone comprising: sending the message from a landline telephone to an intermediary device (111, fig. 3) for making an audio file of the text message using a text-to-speech software module (111, fig. 3) and downloading message (figs. 3-4, paragraphs: 0019-0024 of '123 and paragraph: 0020 of '422)

Regarding claim 17, the combination discloses a computer program product on a computer readable medium for delivering a text message from a landline telephone to a wireless telephone comprising: code means in (111, fig. 3) for receiving a message when it is sent from a landline telephone to an intermediary device (111, fig. 3), code means for making an audio file of the text message using a text-to-speech software module (111, figs. 3-4, paragraphs: 0019-0024 of '123 and paragraph: 0020 of '422)

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The combination differs from claims 7, 17, and 27 in that ^{it} ~~he~~ does explicitly teach the following: code/means for downloading the text message and the audio file to a wireless telephone when the wireless telephone is active.

However, Mekuria discloses mobile telephone with a text-to-speech converter which teaches the following: code/means for creating the text message and the audio file to a wireless telephone when the wireless telephone is active (paragraph: 0026)

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: code/means for downloading the text message and the audio file to a wireless telephone when the wireless telephone is active as this arrangement would facilitate the user to have both text and voice as a means for receiving communications so that it would be useful for users with partial hearing problems to communicate with others as is well known in the art.

Regarding claims 4, 8, 14, 18, 24, 28, the combination teaches the following: downloaded audio file message is retrieved by playing the audio file (paragraphs: 0019-0024; figs. 3-4).

Response to Arguments

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643